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12 *Attorney for Petitioner Juan Rivera

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Juan Rivera,

16 Petitioner,

17 v.

18 Brian Williams, *et al.*,

19 Respondents.

Case No. 2:19-cv-00288-APG-BNW

**Unopposed motion for extension of
time to file amended petition for
writ of habeas corpus**

(First request)

ORDER

1 Petitioner Juan Rivera moves this Court for the entry of an order extending
2 the time within which he must file an amended petition for writ of habeas corpus by
3 91 days from October 7, 2019 to and including January 6, 2020. The state, by Deputy
4 Attorney General Jaimie Stilz, does not object to this request, though her non-
5 objection does not constitute a waiver of any procedural defenses respondents may
6 wish to raise in response to the amended petition including, but not limited to,
7 timeliness, procedural default, and questions of exhaustion.

8 This is Rivera's first request for an extension of time. This motion is not filed
9 for the purposes of delay but in the interests of justice, as well as in the interests of
10 Rivera.

11 The Federal Public Defender was appointed to represent Rivera on May 30,
12 2019.¹ Undersigned counsel filed her notice of appearance on June 28, 2019.²
13 Because of counsel's schedule,³ she was not able to meet with Rivera until September
14 9, 2019. At this meeting, counsel learned that River's family has many documents,
15 including discovery, necessary for filing the amended petition. Counsel is in the
16
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18 ¹ ECF No. 8.

19 ² ECF No. 10.

20 ³ In late June, counsel travelled to Wells, NV for an initial client meeting. In
21 June, counsel also made four appearances in state court on petitions raising a claim
22 under *McCoy v. Louisiana*. Also in June, counsel filed an amended petition in *Ford*
23 *v. Howell*, Case No. 2:17-cv-00112-RFB-VCF and a petition in *Ludwig v. Baca*, Case
24 No. 3:18-cv-00361-MMD-CBC. In July, counsel was out of the office for
25 approximately two weeks. Counsel also filed an opposition to motion to dismiss in
26 *Xia v. Baca*, Case No. 3:16-cv-00651-HDM-CBC in July. In August, counsel
attended a conference in Denver. In addition, counsel was preparing for an
evidentiary hearing in the Eighth Judicial District Court that was scheduled for
August 1, 2019, and which did not get continued until July 31, 2019. Counsel also
filed a reply in *McClain v. LeGrand*, Case No. 3:14-cv-00269-MMD-CBC, a COA in
Tompkins v. Baca, No. 19-16438, a Reply Brief in *Vontobel v. Benedetti*, No. 18-
15892, a petition in *Contreras Armas v. Baker*, Case No. 3:18-cv-00387-HDM-WGC,
and a state petition in *Kinder v. LeGrand* in August.

1 process of obtaining those documents and records from Rivera's family. Counsel will
2 need more time to obtain, review and read all the discovery.

3 Counsel is in the process of reviewing the record and gathering discovery. In
4 addition, between now and early December, counsel will have two evidentiary
5 hearings in state court and an oral argument to the Ninth Circuit Court of Appeals.
6 Counsel will be out of the office for one week in December. Counsel has factored these
7 court hearings and time away from the office into her request for a 91 day extension.

8 For these reasons, counsel respectfully asks this Court to grant Rivera's
9 request to extend the time for filing an amended petition by 91 days until January 6,
10 2020.

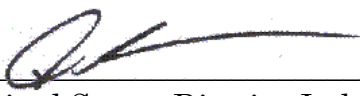
11
12 Dated October 7, 2019.

13 Respectfully submitted,

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15 Rene L. Valladares
16 Federal Public Defender

17 /s/ Kimberly Sandberg
18 KIMBERLY SANDBERG
19 Assistant Federal Public Defender

20 IT IS SO ORDERED:

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22 
23 _____
24 United States District Judge

25 Dated: 10/7/2019
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